

REMARKS

Claims 1-71 were pending and presented for examination. In an Office action dated March 26, 2008, claims 1-71 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below. Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Rejections Under 35 U.S.C. § 103(a)

In the 4th paragraph of the Office Action, the Examiner rejected claims 1, 2, 6-8, 19, 20, 22, 26-31, 35-37, 48, 49, 51, 52, 56-58, and 67-71 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Narushima (USPN 6,774,951) in view of Kubota (U.S. Pat. Appl. Pub. 2003/0084462) and Ishida (USPN 4,437,378). This rejection now is traversed.

Independent claims 1, 30, and 51 respectively recite printers and a method comprising, *inter alia*, "a media processing system ...creating a printed representation of [] time-based media and determining an electronic representation of the time-based media, wherein the printed representation includes a representation of the time-based media at a plurality of times thereof and a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation."

These aspects of the claimed invention are not disclosed or suggested by the cited references, considered alone or in the combination proposed by the Examiner. As a preliminary matter, the Examiner admits that neither Narushima nor Kubota disclose a plurality of machine-readable codes, such as bar codes, that associate time locations within an electronic

representation with a plurality of times represented in a printed representation. *See* Office Action dated August 25, 2008, p. 3 (“Office Action” herein).

Ishida does not remedy the deficiencies of Narushima and Kubota. Ishida merely discloses an electronic keyboard capable of automatically playing music based on music data stored in the keyboard’s memory. *See* Ishida, FIG. 1. The keyboard includes a barcode reader, allowing a user to enter musical data into RAM by scanning a sheet of related barcodes. *See* Ishida, FIGS. 1 and 14 and col. 13, line 55 to col. 14, line 24. However, Ishida does not teach **creating a printed representation** of anything. At best, Ishida teaches the *interpretation* of a pre-existing sheet of barcodes, but does describe the **printing or creation** of a printed representation. Ishida does essentially the opposite of what is claimed. Ishida does not receive time-based media and create a printed representation, but conversely analyzes printed data to store musical data. Hence, Ishida does not teach “**creating a printed representation** of [] time-based media and determining an electronic representation of the time-based media, wherein the printed representation includes a representation of the time-based media at a plurality of times thereof and a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation,” as claimed.

Furthermore, the Examiner’s piecemeal treatment of this claim element has rendered it senseless. The Examiner relies upon Narushima to show “creating a printed representation,” relies upon Kubota to show “wherein the printed representation includes a representation of the time-based media at a plurality of times thereof,” and relies upon Ishida to show “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation.” Even assuming *arguendo* that Narushima, Kubota, and Ishida show the respective portions of the element for which they are cited, none of

the references recite or even suggest **creation of a printed representation from time-based media** as claimed. Nor do the references show **associating a printed representation of that portion with a time location within a determined electronic representation**. Thus the claimed relationship (“associat[ion]”) between the printed representation and the electronic representation is lacking from the references.

With further respect to the combination of Ishida with Narushima and Kubota, the combination fails to teach the claimed invention. Such a combination, if it could be made, would at best produce a deficient system for printing content of a digital broadcast with a bar code reader for data entry.

Not only would a combination of Narushima, Kubota, and Ishida fail to yield the claimed invention, but the Examiner’s assertion that the combination would be obvious is misplaced. Ishida describes a pre-existing printed medium including barcodes in a context far removed from any printer. Hence, Applicants submit that the even assuming *arguendo* that the combination of Ishida with Narushima and Kubota would show the claimed elements, one of skill in the art would not be motivated to modify Narushima and Kubota to include various aspects of Ishida as suggested by the Examiner, and would not look to the art of Ishida for guidance. It is well understood in the art that television systems (e.g., class 348) and interactive video distribution systems (e.g., class 725) are entirely distinct from musical instruments (e.g., 84), as reflected by the different USCL classifications into which Narushima (348), Kubota (725), and Ishida (84) are placed. Thus, the Examiner’s proposed combination appears to be based on improper hindsight reasoning, with guidance gleaned solely from Applicants’ own disclosure. *See MPEP 2145* (Examiner’s rationale may “not include knowledge gleaned only from applicant’s disclosure”).

For at least the above-described reasons, Applicants submit that claim 1 is patentably distinguishable over the cited references.

Independent claims 30 and 51 recite a printer and a method and comprise features similar to those discussed above in reference to claim 1. Hence, Applicants submit that claims 30 and 51 are also patentably distinguishable over the cited references for at least the above-stated reasons.

Claims 2, 6-8, 19, 20, 22, 26-29, 31, 35-37, 48, 49, 52, 56-58, 67, and 68 variously depend from claims 1, 30, and 51, which were shown above to be patentable over the cited references. In addition, these claims recite additional patentably distinguishable features not shown in the cited references. For at least these reasons, Applicants submit that claims 2, 6-8, 19, 20, 22, 26-29, 31, 35-37, 48, 49, 52, 56-58, 67, and 68 also are patentably distinguishable over the cited references.

In the 5th paragraph, claims 3, 4, 11, 32, 33, 40, 53, 54 and 61 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Takahashi (USPN 6,674,538). This rejection now is traversed.

Claims 3, 4, 11, 32, 33, 40, 53, 54 and 61 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Takahashi does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, Takahashi is cited merely to show an interface comprising a video input device selected from a group consisting of: a DVD reader, a video cassette tape reader, and a flash card reader. Even assuming *arguendo* that Takahashi shows that which the Examiner cites it for, Applicants can

find no disclosure or suggestion in Takahashi of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 3, 4, 11, 32, 33, 40, 53, 54 and 61 are patentable over Narushima, Kubota, Ishida, and Takahashi, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 6th paragraph, claims 5, 12, 34, 41, 55 and 62 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Assis (USPN 5,661,783). This rejection now is traversed.

Claims 5, 12, 34, 41, 55 and 62 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Assis does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, Assis is cited merely to show an interface comprising an embedded audio recorder, wherein an external source of media is a series of sounds that are converted into an electrical format by the embedded audio recorder and then provided to a media processing system. Even assuming *arguendo* that Assis shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Assis of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 5, 12, 34, 41, 55 and 62 are patentable over Narushima, Kubota, Ishida, and Assis, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 7th paragraph, claims 9, 38, and 59 are rejected as allegedly being unpatentable

over Narushima, Kubota, Ishida, and Conway (USPN 5,444,476). This rejection now is traversed.

Claims 9, 38, and 59 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Conway does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, Conway is cited merely to show an interface comprising embedded screen capture hardware. Even assuming *arguendo* that Conway shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Conway of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 9, 38, and 59 are patentable over Narushima, Kubota, Ishida, and Conway, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 8th paragraph claims 10, 39, and 60 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Hon (USPN 4,907,973). This rejection now is traversed.

Claims 10, 39, and 60 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Hon does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, Hon is cited merely to show an interface comprising an ultrasonic pen capture device. Even assuming *arguendo* that Hon shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Hon of “a plurality of bar codes that associate time locations within the electronic representation with the

plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 10, 39, and 60 are patentable over Narushima, Kubota, Ishida, and Hon, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 9th paragraph claims 13, 14, 42, 43, and 63-66 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Reed (USPN 6,665,092). This rejection now is traversed.

Claims 13, 14, 42, 43, and 63-66 variously depend from claims 1, 30, and 51, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Reed does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, Reed is cited merely to show an electronic output system configured to write an electronic representation to a removable media storage device such as a computer disk and a computer-readable medium. Even assuming *arguendo* that Reed shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Reed of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 13, 14, 42, 43, and 63-66 are patentable over Narushima, Kubota, Ishida, and Reed, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 10th paragraph claims 15, 16, 44, and 45 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, Reed, and Fujita (USPN 5,903,538). This rejection now is traversed.

Claims 15, 16, 44, and 45 variously depend from claims 1 and 30, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Neither Reed nor Fujita, alone or together, remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that they do. Rather, Reed and Fujita are cited merely to show storing video to a removable medium and an output system comprising a handling mechanism to accommodate a plurality of removable storage devices, wherein the handling mechanism is a tray. Even assuming *arguendo* that Reed and Fujita show that which the Examiner cites them for, Applicants can find no disclosure or suggestion in Reed or Fujita of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 15, 16, 44, and 45 are patentable over Narushima, Kubota, Ishida, Reed, and Fujita, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 11th paragraph claims 17, 18, 46, and 47 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Howald (USPN 6,153,667). This rejection now is traversed.

Claims 17, 18, 46, and 47 variously depend from claims 1 and 30, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Howald does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, Howald is cited merely to show an electronic output system comprising a disposable media writer or a self-destructing media writer. Even assuming *arguendo* that Howald shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Howald of “a plurality of bar codes that associate time

locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 17, 18, 46, and 47 are patentable over Narushima, Kubota, Ishida, and Howald, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 12th paragraph claims 21 and 50 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Official Notice. This rejection now is traversed.

Claims 21 and 50 variously depend from claims 1 and 30, which were shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Well-known prior art does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, well-known prior art is cited merely to show an electronic output system comprising an embedded web page display. Even assuming *arguendo* that well-known prior art shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in well-known prior art of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 21 and 50 are patentable over Narushima, Kubota, Ishida, and well-known prior art, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 13th paragraph claims 23 and 24 are rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Perkins (USPN 6,106,457). This rejection now is traversed.

Claims 23 and 24 variously depend from claim 1, which was shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Perkins does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor

does the Examiner assert that it does. Rather, Perkins is cited merely to show a media processing system comprising an embedded audio encryption module and embedded video encryption module. Even assuming *arguendo* that Perkins shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Perkins of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claims 23 and 24 are patentable over Narushima, Kubota, Ishida, and Perkins, alone or in the combination suggested by the Examiner, by reason of their dependency and the further limitations recited therein.

In the 14th paragraph claim 25 is rejected as allegedly being unpatentable over Narushima, Kubota, Ishida, and Markow (USPN 6,175,489). This rejection now is traversed.

Claim 25 depends from claim 1, which was shown above to be patentably distinct over Narushima, Kubota, and Ishida, alone or in the suggested combination. Markow does not remedy the above-stated deficiencies of Narushima, Kubota, and Ishida, nor does the Examiner assert that it does. Rather, Markow is cited merely to show a media processing system comprising an embedded audio sound localization module. Even assuming *arguendo* that Markow shows that which the Examiner cites it for, Applicants can find no disclosure or suggestion in Markow of “a plurality of bar codes that associate time locations within the electronic representation with the plurality of times represented in the printed representation” as claimed. Thus, Applicants submit that claim 25 is patentable over Narushima, Kubota, Ishida, and Markow, alone or in the combination suggested by the Examiner, by reason of its dependency and the further limitations recited therein.

Conclusion

In sum, Applicants respectfully submit that claims 1-68, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
PETER E. HART, ET AL.

Dated: November 25, 2008

By: /Jennifer R. Bush/

Jennifer R. Bush, Reg. No. 50,784
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7213
Fax: (650) 938-5200